

REMARKS

The present application was filed on October 20, 2003, with claims 1-22. Claims 1-11 were previously withdrawn and claims 12-22 have been cancelled. Claims 23-42 were added and remain pending, with claims 23, 30 and 37 the pending independent claims.

The specification is objected to as failing to provide antecedent basis for claim 37.

Claims 23-42 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description and enablement requirements.

Claims 16 and 20-22 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claims 23-42 are rejected under 35 U.S.C. §102(b) as being anticipated by Michael Barr, *Programming Embedded Systems in C and C++* (hereinafter "Barr").

With respect to the objection to the specification, Applicants initially note that 37 CFR 1.75(d)(1) requires, with emphasis added, that "the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description." See also MPEP 2173.05(e) ("There is no requirement that the words in the claim must match those used in the specification disclosure.")

Applicants respectfully submit that the "computer program product" and "medium" recited in claim 37 are supported by the specification at, for example, page 23, lines 15-18 ("It will be understood for the persons in the art that the products, the programs and the medium for recording the programs for determining the data units, the location elements of the data units and the attributes of the location elements according to the invention may be implemented in any kinds of software and/or hardware.") See also page 32, line 14, to page 33, line 3; and page 36, lines 5-6.

With regard to the rejection under §112 for failing to comply with the written description requirement, Applicants note that the Examiner has the initial burden of presenting evidence or reasoning to explain why persons skilled in the art would not recognize in the original disclosure a description of the invention defined by the claims. See *In re Wertheim*, 541 F.2d 257, 263, 191 USPQ 90, 97 (CCPA 1976) ("[T]he PTO has the initial burden of presenting evidence or reasons why persons skilled in the art would not recognize in the disclosure a description of the invention

defined by the claims.”). See also MPEP §2163 (where the “applicant amends the claims and points out where and/or how the originally filed disclosure supports the amendment(s), and the examiner finds that the disclosure does not reasonably convey that the inventor had possession of the subject matter of the amendment at the time of the filing of the application, the examiner has the initial burden of presenting evidence or reasoning to explain why persons skilled in the art would not recognize in the disclosure a description of the invention defined by the claims.”)

Moreover, MPEP 2163 specifically states that “there is no *in haec verba* requirement [for] newly added claim limitations;” see also MPEP 2163.02 (“The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement.”)

With regard to the rejection under §112, first paragraph, based on the enablement requirement, Applicants initially note that the Examiner has the initial burden to establish a reasonable basis to question the enablement provided for the claimed invention. *In re Wright*, 999 F.2d 1557, 1562, 27 USPQ2d 1510, 1513 (Fed. Cir. 1993) (examiner must provide a reasonable explanation as to why the scope of protection provided by a claim is not adequately enabled by the disclosure). A specification disclosure which contains a teaching of the manner and process of making and using an invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patented must be taken as being in compliance with the enablement requirement of §112, first paragraph, unless there is a reason to doubt the objective truth of the statements contained therein which must be relied on for enabling support. See MPEP 2164.04.

It should be further noted, even if one accepted the Examiner’s allegation that certain limitations of claim 23 lack descriptive support in the disclosure as originally filed, this does not necessarily mean that the limitation is also not enabled. Rather, the statement of a new limitation in and of itself may enable one skilled in the art to make and use the claim containing that limitation even though that limitation may not be described in the original disclosure. See MPEP 2164.

The Examiner contends that certain limitations recited in independent claim 23 identified in the Office Action as limitations “A,” “B,” and “C,” are neither described nor enabled by the

originally-filed specification. Applicants respectfully disagree.

Limitation “A” is directed to transferring the at least one data unit from the one or more locations within the at least one input file to the one or more locations within the first output file specified by a mapping of the at least one data unit of the at least one input file to one or more locations within the first output file. This limitation is described by the specification at, for example, page 34, lines 4-7, with reference to FIG. 6:

At step S505, the extracted data is transformed into the data in the objective data files, in which the data units extracted at step S504 are transformed into the data in the objective data files, based on the correspondence between the one or more data units to be located and the specific formats of the objective data files.

Limitation “B” specifies that each location comprises a horizontal position, the horizontal position comprising at least one of an uppermost position of the data unit or a lowermost position of the data unit, and a vertical position, the vertical position comprising at least one of the leftmost position of the data unit or the rightmost position of the data unit. This limitation is supported by the specification at, for example, page 17, lines 10-14:

Four types of location elements are used to determine the position of a data unit, according to the invention, that is, the “top (Top)” representing the uppermost position of the data unit; the “bottom (Bottom)” representing the lowest position of the data unit; the “left (Left)” representing the most left position of the data unit, and the “right (Right)” representing the most right position of the data unit.

Further support for this limitation may be found in the specification at page 19, line 14, to page 20, line 20, as well as FIGS. 2 and 4.

Limitation “C” specifies that each data unit is defined based on at least one of: at least one string, at least one absolute position of the data unit within the input file, at least one relative position of the data unit to a start or end of at least one of a row or column of the input file, and at least one relative position of the data unit to another data unit. See FIGS. 2 and 4, as well as the specification at, for example, page 15, lines 1-4:

As shown in FIG. 2, the “data units” mainly consist of five types of data units, that is, the “text (Text)”, “single line (SingleLine)”, “multi line (MultiLine)”, “block (Block)” and “iterator (Iterator)”. However, the invention shall not be limited in the above five types of data units, any other data units for data locating may be flexibly incorporated when needed.

The recited at least one string is supported by the specification at, for example, page 15, lines 6-7, with reference to FIG. 2 (“[T]he ‘Text’ represents the string capable of being located and matched. For example, the data unit A in FIG. 2 is defined as a ‘Text’ data unit.”) The recited at least one absolute position of the data unit within the input file is supported by the specification at, for example, page 18, lines 11-12 (“The ‘Base’ may also be an original point in an absolute coordinate.”) The recited at least one relative position of the data unit to a start or end of at least one of a row or column of the input file is supported by the specification at, for example, page 18, lines 7-11:

Specifically, the value of the attribute “Base” may be the ID of a “data unit” having been located, such as the ID of the data unit having the type of “Text”, or “the start of a line (RB)”, “the end of a line (RE)”, “the start of a column (CB)” and “the end of a column (CE)”. “The start of a line (RB)”, “the end of a line (RE)”, “the start of a column (CB)” and “the end of a column (CE)” all refer to the line or the column the “Base” currently located.

The recited at least one relative position of the data unit to another data unit is supported by the specification at, for example, page 18, lines 14-15:

The data units B, C and D may be defined by the position relationship with the data unit A, and some basic location elements, such as “RB”, “RE”, “CB” and “CE”. For example, the location element “Left” of the data unit B may be defined by using the attributes: “Base”=A, “From”=“End”, “Skip”=+m columns; the location element “Bottom” of the data unit D may be defined by using the attributes: “Base”=A, “From”=“End”, “Skip”=+u lines. The attributes of other location elements may be defined in the same manner.

With regard to the §102 rejection of claim 23, Applicants initially note that a given claim is anticipated “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the cited reference must show the “identical invention . . . in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). See generally MPEP 2131.

Claim 23 includes a limitation, heretofore identified as limitation “B,” specifying that each location comprises a horizontal position and a vertical position. These locations refer to locations of a data unit within an input and/or output file. The Examiner argues that this limitation is disclosed by Barr at page 23, second paragraph, which describes “a symbol table somewhere in the object file that contains the names and locations of all the variables and functions referenced within the source file.” However, the location recited in Barr does not comprise a horizontal position and a vertical position, but rather is a single numerical value defining a logical address in terms of a memory offset. See Barr at page 23, fifth paragraph (“[I]f foo is located at offset 14 of the output data section, its entry in the symbol table will now contain that address.”)

Claim 23 also includes a limitation, heretofore identified as Limitation “C,” which specifies that each data unit is defined based on at least one of: at least one string, at least one absolute position of the data unit within the input file, at least one relative position of the data unit to a start or end of at least one of a row or column of the input file, and at least one relative position of the data unit to another data unit.

The Examiner argues that this limitation is met by Barr at page 23, first paragraph, which specifies that “each of these sections contains one or more blocks of code or data that originated within the original source file.” Applicants respectfully submit that the relied-upon portion of Barr fails to teach that the specific arrangement recited in claim 23 wherein each data unit is defined based on a string and/or an absolute or relative position.

Independent claims 30 and 37 include limitations similar to those of claim 23, and are therefore believed to be both supported and allowable for reasons similar to those described above

with reference to claim 23.

With regard to claims 24-29, which depend from claim 23, claims 31-36, which depend from claim 30, and claims 38-42, which depend from claim 37, Applicants assert that these claims are also patentable over the prior art of record by virtue of their dependency from their respective base claims, which are believed to be patentable for at least the reasons given above. Furthermore, one or more of these claims recite additional patentable subject matter in their own right.

With the regard to the Examiner's allegations that the Applicants' previous response filed March 25, 2008, failed to comply with 37 CFR 1.111, Applicants respectfully disagree. Applicants respectfully submit that the Applicants specifically pointed out the manner in which the language of the amended claims is patentable over Barr. See page 10, third paragraph, of the response filed March 25, 2008, in which Applicants state that new claims 23-42 are patentable over the prior art of record because the conventional compilation techniques taught by Barr fail to meet certain limitations of independent claim 23.

In view of the foregoing, Applicants believe that pending claims 23-42 are in condition for allowance, and respectfully request withdrawal of the present rejections.

Respectfully submitted,



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